

# TITLE 18

## SEWAGE DISPOSAL

### Chapter 1 SEWAGE DISPOSAL

ADOPTED 8/20/91, PUBLISHED 9/19/91.

#### 18-1-1. Purposes.

Sewer facilities and services to various residents of the City are provided by the Salt Lake County Sewerage Improvement District No. 1 or the Sandy Suburban Improvement District ("District") and the South Valley Water Reclamation Facility ("SVWRF"). In order to preserve and promote the health, safety and welfare of its residents, and in cooperation with the District and the SVWRF, the City has determined that regulation of sewage disposal within and by the City is necessary and desirable. It is also in the public interest that the City participate in achieving a degree of uniformity in the area served by the SVWRF and to enable said facility to comply with applicable state and federal law.

#### 18-1-2. Definitions.

For purposes of this chapter and unless the context specifically requires otherwise:

- (a) "Building Permit" means any permit issued pursuant to Title 18 of these Ordinances.
- (b) "Cesspool" means a pit or hole in the ground used for final sewage disposal.
- (c) "City" means Sandy City, a municipal corporation organized and existing under the laws of the State of Utah.
- (d) "Discharge" means to cause a substance to enter the sewer system by any means, whether directly or indirectly.
- (e) "District" means Salt Lake County Sewerage Improvement District No. 1 and the Sandy Suburban Improvement District, improvement districts organized and existing pursuant to Utah Code Annotated, Title 17A, Chapter 2, Part 3, as amended.
- (f) "Final Sewage Disposal" means the depositing of sewage in the earth, water, or

elsewhere, under circumstances which, in time, cause oxidation together with dissipation or absorption of the sewage.

- (g) "Industrial User" means any user of the Sewer System that discharges wastewater from commercial and/or industrial processes.
- (h) "Occupant" means any person in possession of the property mentioned, either by claim or of right or with the consent or acquiescence of the owner of such property.
- (i) "Ordinary Domestic Sewage" means sewage of the type and contents commonly discharged from homes, as distinguished from businesses or industries.
- (j) "Outhouse" means building or other structure located over a cesspool.
- (k) "Owner" means any person holding or claiming title, legal or equitable, to the property mentioned, whether alone or in conjunction with others.
- (l) "Person" includes any natural person and any corporation, partnership or other separate legal entity, as well as the employer of any other person acting within the scope of his or her employment, the principal of any person who is an agent with respect to sewer matters, or the contractor of any person entering into a contract with respect to sewer matters.
- (m) "Privy Vault" means a structure for containing sewage prior to Final Sewage Disposal, unless such structure is located in a vehicle.
- (n) "Prohibited Substance" means any substance listed, described, or referred to as prohibited in 18-1-12 hereof.
- (o) "Septic Tank" includes any means of Final Sewage Disposal which is located principally underground, but does not include the public sewer system.
- (p) "Sewage" means liquid or water born waste.
- (q) "Sewer System" means the facilities owned or used by the District and/or SVWRF for collecting, transmitting, treating, and disposing of sewage, whether located in or out of the City.
- (r) "Sludge" means either (1) the accumulated solid slurry separated from liquids such as water or waste water during processing, or (2) deposits on bottoms of streams or other bodies of water, or (3) the precipitate resulting from chemical treatment, coagulation, or sedimentation of waste or wastewater.
- (s) "South Valley Board" means the South Valley Water Reclamation Facility (SVWRF) joint administrative board, a legal entity created pursuant to the Utah Interlocal Cooperation Act. The South Valley Board is comprised of representatives from its Member Entities i.e. Midvale City, West Jordan City, Salt Lake City Suburban Sanitary District No. 2, Sandy Suburban Improvement

District and Salt Lake County Sewerage Improvement District No. 1. Its purpose is to provide sewage treatment and final disposal services.

- (t) "Substance" means any physical matter, including any solid, liquid or gas whatsoever.
- (u) "Surface Water" means any water running, standing or found on or within five inches of the surface of the ground.
- (v) "Treatment" means the processes employed by the District and/or SVWRF whereby sewage is rendered less harmful or objectionable, and/or less of a health hazard.
- (w) "Treatment Plant" means that portion of the sewer treatment facilities owned by SVWRF used for treatment.

### **18-1-3. Non-Limitation of Powers.**

Nothing in this Ordinance is intended to restrict or limit the extent or exercise of any power conferred on the District or the SVWRF by the laws of Utah. In delegating certain regulatory authority to the District or the SVWRF, the City does not affect any authority the District or the SVWRF may have independent of the City to regulate the same or similar matters, except as may be agreed by the City and the District and/or the SVWRF in a written Interlocal Cooperation Agreement.

### **18-1-4. Civil Penalties.**

Any person who violates Chapter 5 of Title 19 of the Utah Code Annotated, 1953, as amended, or any permit, rules, or orders adopted under or pursuant thereto, or any person who violates the Wastewater Control Rules and Regulations adopted by the SVWRF, upon showing that the violation occurred, is subject, in a civil proceeding, to a penalty not to exceed \$10,000 per day.

### **18-1-5. Criminal Penalties.**

- (a) Pursuant to Title 19, Chapter 5 of the Utah Code Annotated 1953, as amended, and the SVWRF Wastewater Control Rules and Regulations, a fine not exceeding \$25,000.00 per day shall be assessed against any person who willfully or with gross negligence:
  - (1) discharges pollutants in violation of any condition or limitation included in a wastewater discharge permit or contract issued pursuant to any applicable law;
  - (2) discharges pollutants in violation of Section 19-5-107(1) of the Utah Code Annotated, 1953, as amended;
  - (3) violates Section 19-5-108 of the Utah Code Annotated, 1953, as amended or

any requirements adopted pursuant thereto;

- (4) violates Section 19-5-113 of the Utah Code Annotated, 1953, as amended;
- (5) violates a pretreatment standard or toxic effluent standard adopted for the SVWRF, the District or the CITY.
- (b) In addition to the penalties outlined in Section (a) above a violation of any provision of this Chapter constitutes a Class B misdemeanor carrying with it the maximum punishment permitted under the laws of Utah.
- (c) In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violations.
- (d) Each day on which a violation occurs is a separate violation under these subsections.
- (e) Any person twice convicted under Section (a) herein or Section 19-5-115(2)(b) of the Utah Code Annotated, 1953, as amended, shall be punished by a fine not exceeding \$50,000.00 per day.
- (f) In addition to all other remedies available, the Joint Administrative Board of the SVWRF may authorize the commencement of a civil action for any appropriate relief, including a permanent or temporary injunction, for any violation or substantial risk of violation of the SVWRF Rules and Regulations or any of the provisions contained within Chapter 5, Title 19 of the Utah Code Annotated, 1953, as amended, which are by this reference deemed implemented as a part hereof by the City pursuant to Section 19-5-115(7) of the Utah Code Annotated, 1953, as amended.
- (g) Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under Chapter 5 of Title 19 of the Utah Code Annotated, or by any permit, rule, or order issued pursuant to it including but not limited to any rule, regulation, order or permit adopted or issued by the SVWRF, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under Chapter 5 of Title 19 of the Utah Code Annotated shall be punished by a fine not exceeding \$10,000 or by imprisonment for not more than six months, or by both.

#### **18-1-6. Mandatory Connection.**

- (a) Mandatory. The owner or occupant of real property on which a building has been or is being constructed shall connect such building to the Sewer System within 60 days after receiving written notice from the District or City that facilities of the Sewer System are available for connection to the building, if any part of such facilities of the Sewer System are available for connection to the building, or if any part of such facilities is situated within 300 feet of any point of

any property line of such property.

- (b) Subsequent Use of Private Systems. If connection to the Sewer System is required pursuant to the previous subsection, the Owner or Occupant thereby required to connect shall immediately plug any Septic Tank or Privy Vault, remove any Outhouse, fill with earth any Cesspool located on his property, and make no further use of those or any other privately owned facilities for Final Sewage Disposal. Any Cesspool, Outhouse, or unplugged Septic Tank or Privy Vault on property required to be connected to the Sewer System is hereby declared to be a public nuisance.
- (c) Construction of Private System. No person shall construct or cause to be constructed a Septic Tank or other privately owned means of Final Sewage Disposal on property required to be connected to the Sewer System by Subsection (a) above.
- (d) Building Approval. No newly constructed building required to be connected by subsection (a) above shall be issued a building permit approved for human occupancy if such building is not connected to the Sewer System.
- (e) Conditions. Nothing in this Part as adopted shall be construed as creating any obligation on the part of the District or the City to connect any property to the Sewer System or retain any connection to the Sewer System. The District may impose reasonable conditions and requirements for sewer connection without affecting the obligation of a private person to either connect to the Sewer System, discontinue use of a private system, or otherwise comply with this Section.

#### **18-1-7. Subdivisions and Other Developments.**

No subdivision plat, planned unit development, industrial park, or commercial development shall be approved or recommended by the City Planning Commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof or for the whole thereof, unless the City shall have first received a signed document from the District approving the sewer aspects of the proposed development.

#### **18-1-8. Damage.**

No person shall intentionally or negligently cause any damage to the Sewer System.

#### **18-1-9. Manholes.**

No person shall open a manhole of the Sewer System without first receiving authorization to do so from the District.

#### **18-1-10. Runoff.**

No owner or occupant shall permit a condition to exist on his property whereby Surface Water, storm drainage, cooling water, or ground water is discharged into the Sewer System, nor

shall any person install or create such a condition.

**18-1-11. Pretreatment and Discharge Permit Requirements.**

- (a) Those persons required to pretreat wastewater in order to comply with Federal pretreatment standards, the SVWRF Wastewater Control Rules and Regulations and any permits issued thereunder shall provide, operate, and maintain the necessary pretreatment facilities in accordance with the SVWRF pretreatment regulations.
- (b) Industrial Users required to apply for a discharge permit pursuant to the SVWRF Wastewater Control Rules and Regulations shall obtain such permit prior to discharging into the Sewer System. Applications shall be in the form prescribed by the South Valley Board.

**18-1-12. Wastewater Discharge Prohibitions and Limitations.**

- (a) Generally. No person shall Discharge into the Sewer System any Substance or in a manner which, under ordinary circumstances, either (1) is harmful or detrimental to or interferes with either the Sewer System, the functioning of the Sewer System, the environment, or the public health, or (2) causes Sewage to pass through the Sewer System without treatment and thereby creating a significant health hazard or diminishing the quality of the environment.
- (b) Discharge Prohibitions. No person shall discharge into the Sewer System any Substance or in any manner which violates the Wastewater

Prohibitions and Limitations contained within Chapter 2, Section 2.2 of the SVWRF Wastewater Control Rules and Regulations currently in force and as amended from time to time, which are incorporated by this reference as a part hereof as though fully set forth herein, together with any schedules or appendices which are a part of Chapter 2, Section 2.2 of said SVWRF Wastewater Control Rules and Regulations.

- (c) Immediate Reporting. Immediately upon discharging a Prohibited Substance or upon discovering that a Prohibited Substance has been Discharged, the person performing or discovering such Discharge shall immediately notify the staff of the SVWRF of the Discharge by the most rapid available means, if such person knows or reasonably should have known that (1) the Substance was discharged, and (2) the Discharge of the Substance was prohibited. Notification pursuant to this subsection does not relieve the person notifying of any liability, except liability for violation of this subsection.
- (d) Preventing Accidental Discharge.
  - (1) Generally. Every person conducting an activity which creates a substantial risk that a Prohibited Substance will be discharged into the Sewer System shall provide adequate protection against accidental Discharge of such a

Prohibited Substance by either (1) implementing procedures or practices which tend to reduce the likelihood of such a Discharge and/or (2) installing facilities designed to prevent such accidental Discharge. The SVWRF General Manager may identify persons required to provide such protection and direct them to comply with this subsection.

- (2) South Valley May Require. The SVWRF General Manager is hereby authorized to specify particular procedures, practices, and/or facilities which shall be implemented by any person, (1) if the SVWRF General Manager finds that there is substantial risk of a Discharge prohibited by this Section if preventive measures are not undertaken, and (2) if such procedures, practices and/or facilities substantially reduce the risk of discharge prohibited by this Section, and (3) if the cost of implementing such procedures, practices, and/or installing such facilities is found by the South Valley Board to be reasonable in light of both the potential damage to the sewer system and/or the environment if an accidental discharge occurs, and the effectiveness of the equipment in preventing such an accidental discharge.
- (3) Plans. In every case where facilities are required to be installed pursuant to this subsection, the SVWRF General Manager is hereby authorized to require submission of detailed plans for the required facilities and their operation before construction of the facilities is begun.

(e) Preventive Requirements.

- (1) Report. Within five days after the Discharge of a Prohibited Substance, the person who discharged such substance shall file with the South Valley Board a written, detailed report describing (1) the nature and content of the Discharge, (2) the cause(s) of the Discharge, and (3) remedial measures to be taken by the discharger to prevent similar Discharges in the future. The SVWRF pretreatment administrator may inspect the site of the accidental Discharge and interview any person involved in the Discharge in order to ascertain or confirm what happened and assure that remedial measures adequate to prevent future accidents are carried out as represented.
- (2) South Valley May Require Changes. If (1) a person has discharged a Prohibited Substance, and (2) it is likely that the same person will again discharge a similar Prohibited Substance in the future if preventive measures are not undertaken, then the SVWRF General Manager is hereby authorized to require the person who discharged the Prohibited Substance to make change(s) in equipment, facilities, procedures, or practices, which change(s) (1) have the effect of substantially reducing the risk of a similar Discharge in the future, and (2) are found by the SVWRF General Manager to be reasonable in cost in light of the potential damage to the system and environment arising out of a similar prohibited Discharge in the future. Nothing in this subsection relieves any person of any liability, except liability

for violation of this subsection.

- (f) Self-Monitoring and Reporting. The SVWRF General Manager is hereby authorized to require that persons discharging into the Sewer System, other than persons discharging only Ordinary Domestic Sewage, monitor and report their Sewage Discharges in a manner and to the extent necessary to (1) provide adequate compliance with and enforcement of the SVWRF's Wastewater Control Rules and Regulations, (2) assess the source of the components of the Sewage transmitted, treated, and disposed of by the District or the SVWRF, (3) charge reasonable fees and surcharges to dischargers based on actual Discharges or reasonable classifications of Discharges. The SVWRF General Manager is further hereby authorized to require that such monitoring and reporting be performed at the expense of the person discharging. Every person required to monitor and report pursuant to this section shall monitor and report as required by the SVWRF Wastewater Control Rules and Regulations and in conformity with this section.
- (g) Compliance Monitoring. The SVWRF Pretreatment Administrator is hereby authorized to sample and analyze the sewage of, and inspect the facilities of persons discharging into the Sewer System in order to determine or verify compliance with this section. The South Valley Board is further authorized to require the installation of reasonable facilities, such as manholes, to enable such sampling. However, nothing in this section limits any power that the District or the South Valley Board may have to investigate or enforce compliance with other sections of this Ordinance or through means not specified in this subsection.
- (h) Strict Liability. Any person violating any provision of this Section shall be guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.
- (i) Nuisance. Any condition or situation which causes a violation of this Section is hereby declared to be a public nuisance and may be abated as provided by law.